

CHAPTER 5.24 SHORT-TERM RENTALS, HOME SHARING

5.24.010 Purpose and intent.

It is the purpose and intent of this chapter to regulate hosted and un-hosted short-term rentals within the City of Del Rey Oaks and impose and provide for the collection and payment of fees and a transient occupancy tax. Nothing in this chapter shall be construed to allow persons to engage in conduct that endangers others or causes a public nuisance.

(Ord. No. 293, § 2, 6-26-2018)

5.24.020 Definitions.

For the purposes of this Chapter, the following words or phrases shall have the following meanings:

City Manager shall mean the City Manager of the City of Del Rey Oaks, or his or her designee.

Host shall mean an owner or tenant who rents their residence for Short-Term Rental use.

Hosted rentals shall mean a home-sharing activity whereby a portion of a primary residence (typically a bedroom) is rented. Hosted rentals are also known as "home-sharing."

Hosting platform shall mean a marketplace in whatever form or format that facilitates the Short-Term Rental activity, through advertising, match-making, or any other means, using any medium of facilitation, and from which the operator of the hosting platform derives revenues, including booking fees or advertising revenues, from providing or maintaining the marketplace.

Person shall mean any natural person, firm, association, organization, partnership, business trust, corporation, or company.

Primary residence shall mean a Host's permanent residence or usual place of return for housing as documented by at least two of the following and in the Host's name: motor vehicle registration; driver's license; voter registration; tax documents showing the residential unit as the Host's residence; or a utility or cellular phone bill.

Short-Term Rental shall mean a privately owned residential dwelling, such as, but not limited to, a single family detached or multiple family attached dwelling, apartment house, condominium, cooperative apartment, duplex, mobile home on permanent foundations or a manufactured home on permanent foundations, or any portion of such dwellings, rented for occupancy for dwelling, lodging or sleeping purposes for any period less than 30 consecutive days. Short-Term Rentals include Hosted and Un-hosted rentals.

Un-hosted rentals shall mean a home-sharing activity whereby the Host remains off-site during the guest's stay. Un-hosted rentals are also known as "vacation rentals."

(Ord. No. 293, § 2, 6-26-2018)

5.24.030 Short-term rental regulations.

A. Short-Term Rentals shall not adversely affect the residential character of the neighborhood nor shall the use generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's reasonable enjoyment of his or her residence.

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- B. No person shall advertise, undertake, maintain, authorize, book, or facilitate any renting to transient guests - on a Hosting Platform or otherwise - in a manner that does not comply with this chapter.
 - C. No person shall advertise any Short-Term Rental without a City issued Short-Term Rental license number depicted in a visible location on the advertisement, including any listing on a Hosting Platform.
 - D. Short-Term Rentals shall not be used by more than two guests per bedroom plus a total of two additional guests at one time.
 - E. All Short-Term Rentals shall have bathroom facilities accessible to guests.
 - F. Events, parties, or group gatherings, including but not limited to weddings, banquets, and corporate events, are prohibited from occurring as part of any Short-Term Rental use.
 - G. No signs shall be posted on the exterior of the dwelling advertising the presence of the Short-Term Rental use.
 - H. No person shall offer or engage in a Short-Term Rental in any part of the property not approved for residential use, including but not limited to, a vehicle parked on the property, a storage shed, trailer, garage, or similar temporary structure such as a tent or yurt.

(Ord. No. 293, § 2, 6-26-2018)

5.24.040 Additional regulations for un-hosted rentals.

A. Nuisance Response Plan. Each Un-hosted Rental shall have on file with the City a Nuisance Response Plan accompanying an application for a license required by this Chapter, which shall contain the following information and otherwise be in a form required by the City Manager:

1. The name, mailing address, email address and telephone number of the property owner(s) and Host.
 2. The name, address, email address and telephone number of at least two contact persons available 24 hours per day who will be responsible for responding to and remediating any complaints regarding the Un-hosted Rental.
 3. The manner of responding to or causing a response to a nuisance complaint, including, but not limited to, the manner in which the complainant or complainants will be notified of the response and the method of documenting prompt responses and timely corrective action.
 4. The manner of assuring timely corrective action to remedy the conditions that caused the nuisance complaint within 30 minutes.
 5. A placard shall be placed in every Un-hosted Rental identifying the 24 hour contact person(s), as well as at a location readily visible from public property outside the Short-Term Rental during Short-Term Rental use.
- B. Each Un-hosted Rental shall be inspected annually by the City to ensure proper smoke and carbon monoxide alarms are installed and fire extinguishers are in accessible locations.
 - C. Any complaint regarding a nuisance at an Un-hosted Rental shall be remediated within 30 minutes.

(Ord. No. 293, § 2, 6-26-2018)

5.24.050 Host requirements.

A. The Host shall be responsible for any nuisance violations arising at a property during Short-Term Rental activities.

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- B. The Host shall keep and preserve, for a period of three years, all records as may be necessary to determine the amount of any such tax as they may have been liable for the collection of and payment to the City, including the number and length of each Short-Term Rental stay, and the price paid for each stay.
 - C. The City shall have the right to inspect such records at all reasonable times.
- (Ord. No. 293, § 2, 6-26-2018)

5.24.060 Short-term rental; license required.

- A. No person shall operate a Short-Term Rental unless a Short-Term Rental license is in effect for the dwelling unit pursuant to the provisions of this Chapter.
- B. A Short-Term Rental license shall expire one year from the date of issuance.
- C. A Short-Term Rental license shall be non-transferrable, shall not run with the land, and shall be valid only at the original Short-Term Rental site.
- D. Each Short-Term Rental license application shall include the following information:
 - 1. Address of the Short-Term Rental unit.
 - 2. Name, address, phone, and email contact information of the owner of the Short-Term Rental. A tenant of the Short-Term Rental shall have written permission to use the property for Short-Term Rental use from the property owner.
 - 3. Name and phone number of the person(s) whose contact information is to be placed on a placard to be posted within the Short-Term Rental. This contact number and person must be reachable at all times during day or night and able to physically respond to the Short-Term Rental location within 30 minutes of telephone notification.
 - 4. A floor plan and site plan which shows the proposed use of each room, in each building, the street name, and parking.
 - 5. For Un-hosted Rentals, proof the City has verified smoke and carbon monoxide alarms are installed and fire extinguishers are in accessible locations.
 - 6. Any other information or documentation consistent with the provisions of this chapter requested by the City Manager.
- E. Every application for a Short-Term Rental license, including renewal applications, shall be accompanied by the Short-Term Rental license application fee in the amount established by resolution of the City Council.
- F. No person shall knowingly make a false statement of fact or knowingly omit any information that is required in an application for a Short-Term Rental license.
- G. The City Manager may deny an application for a Short-Term Rental license for any of the following reasons:
 - 1. The application is incomplete;
 - 2. The application contains a false or misleading statement or omission of a material fact;
 - 3. The dwelling is subject to an enforcement action pursuant to any provision of the Del Rey Oaks Municipal Code;
 - 4. The applicant or the property owner is delinquent on any payment to the City of any fees, penalties, taxes, or any other monies related to the property;
 - 5. Within 12 months of the date of application, a Short-Term Rental license for the dwelling was revoked;
or

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- 6. The operation of a Short-Term Rental by the applicant or at the dwelling is a threat to the public health, safety, or welfare.
 - H. A Short-Term Rental license may be renewed if the Host meets the renewal requirements including: (1) payment of the renewal fee; (2) is deemed to have been in substantial conformance with the provisions of this Chapter for the past year; and (3) documents and provides any changes that have occurred to the information on the current Short-Term Rental application or license.

(Ord. No. 293, § 2, 6-26-2018)

5.24.070 Advertising short-term rentals without a license.

- A. No person or party shall post, publish, circulate, broadcast or maintain any advertisement or notice of a Short-Term Rentals within the City without having a valid Short-Term Rental license in place.
- B. Each day that an advertisement is posted, published, circulated, broadcast or maintained by a responsible party in violation of this section is a separate offense.

(Ord. No. 293, § 2, 6-26-2018)

5.24.080 Fees established.

- A. The following fees are established and imposed pursuant to the provisions of this chapter:

- 1. Short-Term Rental license application fee; and
- 2. Short-Term Rental license appeal fee.

- B. The City Council shall establish by resolution the amounts of the foregoing fees.

(Ord. No. 293, § 2, 6-26-2018)

5.24.090 Transient occupancy tax.

The Host shall comply with all the requirements of Del Rey Oaks Uniform Transient Occupancy Tax Ordinance. For the purposes of Del Rey Oaks Uniform Transient Occupancy Tax Ordinance, a Short-Term Rental shall qualify as a "hotel."

5.24.100 Enforcement, violations, fines and penalties.

- A. In addition to any other remedies provided by law, the provisions of this Chapter may be enforced pursuant to Chapter 1.16 and Chapter 1.19 of the Del Rey Oaks Municipal Code. The administrative process set forth in Chapter 1.19 may be imposed for failure to comply with the provisions of this Chapter. Each day a violation is committed or permitted to continue shall constitute a separate offense. Violations of this Chapter shall be treated as a public nuisance, which shall be subject to a civil action for abatement by the City Attorney.
- B. Violation of any provision of this Chapter by any Host, guest, owner, or operator shall constitute grounds to suspend or revoke a Short-Term Rental license.
- C. Any Short-Term Rental Host, owner, permittee, or person who transacts or carries on any activity relating to Short-Term Rentals in the City without first having procured and complied with a Short-Term Rental license from the City and paying all applicable license fees shall be subject to administrative penalties as set forth in Del Rey Oaks Municipal Code Chapter 1.19, including administrative penalties imposed by a hearing officer for violation of any provision of this chapter in an amount not to exceed a maximum of \$2,500.00 per day for

each continuing violation, in addition to administrative costs, interest and restitution for compliance re-inspections, for any related series of violations, and/or forfeiture of all rents received during the period Short-Term Rental use was allowed without a Short-Term Rental license, whichever amount is greater.

(Ord. No. 293, § 2, 6-26-2018)

5.24.110 Appeal of denial, revocation or suspension.

A. Any person who has been denied a license or to whom notice of revocation or suspension of a Short-term license has been mailed may appeal such determination pursuant to Chapter 1.19 of the Del Rey Oaks Municipal Code.

- B. Any applicant or license holder whose license is denied or revoked shall be ineligible for a one-year period from applying for a new license. No person whose license has been revoked shall continue to engage in or carry on the activity for which the license was granted, unless and until such license has been reinstated or reissued.
- C. Notwithstanding subsection A, a license issued pursuant to this Chapter may be suspended, revoked, or conditioned immediately upon the City Manager's determination that the immediate suspension of the license is necessary to protect the public health, safety, or welfare. In such case the permittee subsequently shall be provided a notice of hearing and an opportunity to be heard by the city manager.

(Ord. No. 293, § 2, 6-26-2018)

5.24.120 Liens/special assessments.

Whenever the amount of any penalty, forfeiture, or administrative cost imposed by a hearing officer pursuant to this Chapter or Del Rey Oaks Municipal Code Chapter 1.19 has not been satisfied in full within 90 days or has not been successfully challenged by a timely writ of mandate, the obligation shall constitute a debt against the real property on which the violation occurred, and shall be subject to the processes set forth in Del Rey Oaks Municipal Code Chapter 1.19 for liens and special assessments.

(Ord. No. 293, § 2, 6-26-2018)

5.24.130 Administrative policy.

The City Manager shall have the authority to develop administrative policies and procedures consistent with this Chapter to implement the intent of this Chapter.

(Ord. No. 293, § 2, 6-26-2018)